

UNCLASSIFIED

Department of State

6/23/83

INCOMING  
TELEGRAM

ASØ78

PAGE 01 BUENOS 04166 231209Z  
ACTION ARH-00

6515

COURT WILL CONTINUE INVESTIGATING ANOTHER ASPECT OF THE  
CASE INVOLVING POSSIBLE CRIMINAL RESPONSIBILITY OF  
FORENSIC PERSONNEL. SHLAUDMAN

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 SS-00 CIAE-00  
DODE-00 H-01 NSCE-00 NSAE-00 SSO-00 SY-06 WA-00  
L-03 TRSE-00 PM-00 PA-01 MCT-02 OMB-01 INRE-00  
ANAE-00 USIE-00 SP-02 SNF-01 PRS-01 /079 W

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O 231206Z JUN 83  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC IMMEDIATE 7685  
INFO AMEMBASSY SANTIAGO  
CINCLANT NORFOLK VA  
USCINCSO QUARRY HTS PN

BUENOS AIRES 04166

E.O. 12356: N/A  
TAGS: PREL, PINS, AR  
SUBJ: MASSERA INDICTED; NEW DEVELOPMENT IN THE CAMBIASO-  
PEREIRA CASE; THE SUPREME COURT CLOSES THE CHACARITA  
INVESTIGATION

REF: BUENOS AIRES 04129

1. FEDERAL JUDGE OSCAR SALVI ON JUNE 21 CONFIRMED THE  
ARREST OF FORMER NAVY COMMANDER EMILIO MASSERA IN A BILL  
OF PARTICULARS THAT ACCUSES THE FORMER JUNTA MEMBER OF  
LYING AND WITHHOLDING, DESTROYING OR COVERING UP EVIDENCE  
IN THE DISAPPEARANCE OF BUSINESSMAN FERNANDO BRANCA IN  
1977. ALSO NAMED IN THE JUDGE'S DETAILED INDICTMENT AND  
PLACED IN CONDITIONS OF ARREST WERE MARTA RODRIGUEZ  
MCCORMACK, COMMON-LAW WIFE OF BRANCA, AND EDUARDO INVIERNO,  
A RETIRED NAVY CAPTAIN WHO CONDUCTED AN INVESTIGATION OF  
BRANCA'S DISAPPEARANCE UNDER MASSERA'S DIRECTION.  
RODRIGUEZ MCCORMACK WAS ACCUSED, IN THE INDICTMENT OF LYING  
TO THE COURT AND INVIERNO WITH DESTROYING EVIDENCE,  
INCLUDING TAPE RECORDINGS OF CONVERSATIONS THAT HAD A  
DIRECT BEARING ON THE CASE.

2. SALVI ORDERED NAVY COMMANDER REUBEN FRANCO TO DETAIN  
MASSERA AT NAVY FACILITIES FROM WHICH HE MAY NOT BE TRANS-  
FERRED WITHOUT THE COURT'S APPROVAL. SALVI HAD TRANSFERRED  
CUSTODY OF MASSERA TO FRANCO LAST WEEK ON MASSERA'S RETURN.  
MASSERA'S LAWYER SAID HE WILL ASK FOR MASSERA'S RELEASE BUT  
EXPECTS SALVI TO DENY THE REQUEST AND THE LAWYER WILL  
THEREFORE APPEAL TO THE NEXT HIGHER COURT.

3. MEANWHILE ANOTHER JUDGE, JUAN MARCHETTI, INVESTIGATING  
THE ALLEGED SHOOTOUT DEATHS OF OSVALDO CAMBIASO AND  
EDUARDO PEREIRA ROSSI MAY 14, ORDERED A RECONSTRUCTION  
OF THE EVENT AFTER STUDYING A SECOND AUTOPSY OF THE  
CORPSES. CARRIED OUT BY COURT-APPOINTED DOCTORS, THE NEW  
AUTOPSY INDICATED CAMBIASO HAD BEEN BEATEN AND SHOT AT  
CLOSE RANGE AND PEREIRA HAD BEEN BEATEN AND GIVEN ELECTRIC  
SHOCKS. THE FIRST AUTOPSY, PERFORMED BY POLICE FORENSICS,  
"INEXPLICABLY" OMITTED THESE FINDINGS, ACCORDING TO  
MARCHETTI.

4. ALSO ON JUNE 21, THE SUPREME COURT BY A SPLIT 3-2  
DECISION ENDED THE INVESTIGATION INTO THE BURIAL IN  
CHACARITTA CEMETERY OF 100 PERSONS REPORTEDLY KILLED BY  
SECURITY FORCES BETWEEN 1976-78. THE COURT RULED IT HAD  
NOT FOUND IRREGULARITIES "SUSCEPTIBLE TO THE DISCIPLINARY  
AUTHORITY OF THE COURT," AND THAT THE MORGUE AND THE  
CEMETERY "HAD FOLLOWED" THE REGULAR PROCEDURES USED  
THROUGHOUT THE YEARS. THE CASE GREW OUT OF ALLEGATIONS  
BY HUMAN RIGHTS GROUPS THAT THE ARMED FORCES HAD  
DELIVERED THE BODIES FOR BURIAL AT THE CEMETERY WITHOUT  
INFORMING THE APPROPRIATE JUDICIAL AUTHORITIES.

## DECONTROL

ARGENTINA PROJECT (S2000000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

( ) In Part (X) In Full ~~Declassified~~

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

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